

Panaji, 30th January, 2020 (Magha 10, 1941)

SERIES II No. 44

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

### GOVERNMENT OF GOA

Department of Environment

#### Order

No. 7/4/98/STE/DIR/Part I/1159

In pursuance of the sub-rule (3) of Rule 5 of the Noise Pollution (Regulation & Control) Rules, 2000, the Government of Goa is pleased to direct the "authority" specified in the Government Notification No. 7/4/98/STE/DIR/Part I/922 dated 04-12-2007, published in the Official Gazette, Series II No. 37 dated 13-12-2007, Notification No. 7/4/98/STE/DIR/Part I/1545 dated 15-01-2010, Notification No. 7/4/98/STE/DIR/Part I/104 dated 23-04-2015 and Notification No. 7/4/98/STE/DIR/Part II/480 dated 12-09-2019, to permit the use of loudspeakers or public address system during night hours (between 10.00 p.m. to 12.00 midnight) during the year 2020, on the days specified in the Schedule hereto, throughout the State of Goa.

"Terms and conditions for issue of permission.

1. The permission shall be granted only on a case-to-case basis, in response to a specific application made by the concerned Village Panchayat, Municipal Corporation/Municipal Council or an individual.
2. The provisions of the Noise Pollution (Regulation and Control) Rules, 2000 shall be strictly complied with.
3. The 'authority' concerned shall monitor the noise levels during the permitted festive occasion and take prompt remedial action in the event of any violation of the same and of above conditions."

### SCHEDULE

Sr. No.	Cultural/Religious Festive occasion	Date
1.	Carnival (last day of carnival)	25th February, 2020.
2.	Holi	09th March, 2020.
3.	Easter Eve	11th April, 2020.
4.	Ganesh Chaturthi (2nd day of idol immersion)	23rd August, 2020.
5.	Ganesh Chaturthi (5th day of idol immersion)	26th August, 2020.
6.	Anant Chaturdashi	01st September, 2020.
7.	Navaratri (1st day of Navaratri)	17th October, 2020.
8.	Navaratri (last day of Navaratri)	24th October, 2020.
9.	Kojagiri Poornima	30th October, 2020.
10.	Diwali Eve	13th November, 2020.
11.	Diwali	14th November, 2020.
12.	Tripurari/Kartiki Poornima	29th November, 2020.
13.	Christmas Eve	24th December, 2020.
14.	Christmas	25th December, 2020.
15.	New Year's Eve	31st December, 2020.

By order and in the name of the Governor of Goa.

Shri *Johnson Fernandes*, Director/ex officio Joint Secretary (Environment).

Porvorim, 27th January, 2020.

Department of Finance

(Revenue & Control) Division

#### Notification

No. 38/1/2017-Fin(R&C)(128)

In exercise of the powers conferred by Rule 123 of the Goa Goods and Services Tax Rules, 2017, and in supersession of Government Notification No. 38/1/2017-Fin (R&C)(118) dated 20th November,

2019, published in the Extraordinary Official Gazette, Series II No. 33 dated 20th November, 2019, except as regards things done or omitted to be done before such supersession, the Government of Goa hereby re-constitutes the State Level Screening Committee consisting of the following officers, namely:-

- (a) Additional Commissioner of State Tax-I, Goa State.
- (b) Additional Commissioner, Central GST, Goa, Government of India.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

*Pranab G. Bhat*, Under Secretary, Finance (R&C).  
Porvorim, 23rd January, 2020.

### Department of Forest

#### Notification

No. DCF(WP)/Pvt.For/16(THC)/2013(WZ)/19-20/26

A Committee comprising of following members is hereby constituted to review the private forests areas provisionally identified by the North (Thomas) and South (Araujo) Goa Forest Division Committees constituted vide notification No. 7-1-2009/FOR/439 dated 27-11-2012.

- |   |   |                   |
|---|---|-------------------|
| 1) Conservator of Forests (Conservation)                              | — | Chairman.         |
| 2) Additional Collector, North Goa District                           | — | Member.           |
| 3) Additional Collector, South Goa District                           | — | Member.           |
| 4) Director of Settlement and Land Records                            | — | Member.           |
| 5) Director of Agriculture  | — | Member.           |
| 6) Assistant Conservator of Forests, Headquarters, North Goa Division | — | Member.           |
| 7) Assistant Conservator of Forests, Headquarters, South Goa Division | — | Member.           |
| 8) Deputy Conservator of Forests (Working plan)                       | — | Member Secretary. |

The Committee shall get the methodology approved by the Government within 15 days for

reviewing the private forest areas provisionally identified by the North (Thomas) and South (Araujo) Goa Forest Division Committees.

The Committee shall submit its report by 10th March, 2020.

By order and in the name of the Governor of Goa.

*Shaila G. Bhosle*, Under Secretary (Forest).

Porvorim, 21st January, 2020.

### Department of Labour

#### Notification

No. 28/2/2020-LAB/Part-I/30

The following award passed by the Labour Court-II, at Panaji-Goa on 25-11-2019 in Case No. LC-II/IT/30/2013 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*A. S. Mahatme*, Under Secretary (Labour).

Porvorim, 16th January, 2020.

### THE LABOUR COURT-II GOVERNMENT OF GOA AT PANAJI

**(Before Shri Suresh N. Narulkar,  
Hon'ble Presiding Officer)**

Case No. LC-II/IT/30/2013

Shri Sadanand Pokle,  
C/o. AITUC, Velho Bldg.,  
Panaji-Goa.

... Workman/Party I

V/s

M/s. Kadamba Transport  
Corporation Ltd.,  
Paraise de Goa,  
Alto Porvorim, Goa.

... Employer/Party II

Workman/Party-I represented by Adv. Shri A. Shirodkar.

Employer/Party-II represented by Adv. Shri P. Agarwal.

Panaji, Dated: 25-11-2019

## AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 31-03-2015, bearing No. 28/6/2015-Lab/398 referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court, in turn assigned the present dispute to this Labour Court-II, vide her order dated 30-10-2013.

- “(1) *Whether the action of the management of M/s. Kadamba Transport Corporation Limited, Alto Porvorim, Goa, in refusing employment to Shri Sadanand Pokle, Driver with effect from 17-10-2004 and thereafter dismissing him from services by their order dated 02-04-2007, is legal and justified?*
- (2) *If the answer to the issue No. (1) above is in the negative, then, to what relief the Workperson is entitled?”*

2. On receipt of the reference, a case was registered under No. LC-II/IT/30/13 and registered A/D notice was issued to the Parties. In pursuance to the said notice, both the parties put in their appearance. The Workman/Party-I (for short, 'Workman') filed his statement of claim on 30-06-2014 at Exb. 4. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party-II (for short "Employer") as 'Driver' in the year 1995. He stated that somewhere in August, 2004, he suffered a kidney stone ailment and was admitted at Apollo Hospital, Margao, Goa. He stated that due to his aforesaid sickness, he was unable to attend his duties. He stated that he informed about his sickness to the Employer alongwith all medical certificates. He stated that the Employer has however, issued him a back dated charge-sheet alleging certain misconducts. He stated that he filed his detail reply to the said charge-sheet alongwith medical certificates denying each and every allegations being false and misleading. He stated that on 17-10-2004, he reported to the Asstt. Traffic Inspector of Margao depot alongwith the joining report and requested the officer of the Employer to allow him to report for work. He stated that however, the said Asstt. Traffic Inspector did not allow him to report for duty. He stated that thereafter, he also met the Vice-Chairman as well as the General Manager of the Employer with a request to allow him to resume for his duties. He stated that however, he was not allowed to resume for work. He stated that in the meantime, the

Employer initiated enquiry proceedings against him into the said charge-sheet. He stated that he duly attended the enquiry proceedings. He stated that after conducting the enquiry, the Employer terminated the services vide their order dated 02-04-2007. Being aggrieved with the order of dismissal, he raised an industrial dispute before the office of Dy. Labour Commissioner, Margao, vide letter dated 01-10-2008, which ended in failure.

3. The Workman contended that the enquiry proceedings initiated against him by the Employer was conducted in gross violation of principles of natural justice nor allowed him to get himself defended in the enquiry by the representative of his choice. He submitted that the procedure of the enquiry was not explained to him. He submitted that he was not allowed to raise his objections in the enquiry and even when the written objections were raised by him, the same were not considered by the Enquiry Officer. He submitted that this has seriously prejudiced his defense and not a single charge has been proved against him. He submitted that neither the Employer has completed the said enquiry nor given any findings to him. Without admitting, he submitted that the Enquiry Officer has submitted his findings and that the said findings never reached to him before dismissal of his service. He submitted that the Enquiry Officer conducted the enquiry in a biased manner in favour of the Employer. He submitted that he is presently unemployed and does not have any source of income to maintain himself and his family. He submitted that he has not been able to secure any employment in spite of his best efforts. The Workman therefore prayed that the action of the Employer in dismissing him from service w.e.f. 17-10-2004 be held as illegal, unjustified and bad-in-law and he be reinstated back in service with full back wages and continuity in service alongwith all other consequential benefits.

4. The Employer resisted the claim of the Workman, by filing its written statement dated 11-12-2014 at Exb. 5. The Employer, as and by way of its preliminary objections, submitted that the reference is not maintainable as it is made under Section 10 (1) (d) of the said Act to the Industrial Tribunal constituted under Section 7-A of the said Act and as such this Labour Court constituted under Section 7 of the said Act has no jurisdiction to entertain and try the reference, that there is no industrial dispute exist between the parties as defined u/s 2 (k) of the I.D. Act, 1947 and that the reference made by the Government of Goa, without any material on record in haste and without application of mind.

5. The Employer stated that it is a Government Company registered u/s 617 of the Companies Act, 1956. The Employer stated that it is a State Transport Undertaking under the M.T. Act, 1988. The Employer admitted that the Workman joined in their services on 04-05-1994 as a 'Daily Wage Driver'. The Employer stated that thereafter the Workman was taken on probation as 'Heavy Vehicle Driver' w.e.f. 08-03-1995 for initial period of six months. The Employer stated that the Workman was thereafter confirmed in the services. The Employer stated that the past record of the Workman was blemished and was issued various punishment for misconduct on his part. The Employer stated that the Workman was issued a charge-sheet dated 03-03-2004 alleging that it is reported by his departmental head that the Workman attached to Margao depot remained absent unauthorizedly and without any intimation or prior permission w.e.f. 23-08-2004 to till date i.e. 03-03-2005 and that he was sent a notice dated 08-02-2005 by registered A/D post directing to report duties immediately alongwith written explanation of his absence. The Employer stated that the charge-sheet further stated that though the Workman has acknowledged the said notice, he failed to report for his duties till date nor intimated anything regarding his absence. The Workman was therefore charge-sheeted for misconduct under the Certified Standing Orders of the Employer as follows, (24) (A)(ii) If any Workman remains absent without intimation or prior permission for a period exceeding 30 days, he shall be deemed to have resigned from services and the Employer is entitled to consider such employee having voluntarily resigned from his job. (28) (xviii) Habitual absent without leave or absent without leave or more than five consecutive days or overstaying the sanction leave without sufficient grounds or proper or satisfactory explanation. (28)(xxxv) Breach of any rules and instructions given by superiors for the proper functioning or safety of the establishment.

6. The Employer stated that vide the aforesaid charge-sheet, the Workman was directed to explain in writing within seven days from the receipt of the said charge-sheet as to why necessary action as per the provisions of its Certified Standing Orders should not be taken against him. The Employer stated that the Workman replied to the aforesaid charge-sheet through his Advocate, Shri Rajiv Gomes, by his reply dated 22-03-2005. The Employer stated that by the said explanation dated 22-03-2005, the Workman contended that he has been suffering from kidney stone ailment for last

two years and due to the said ailment, he had severe pains and as such he had to stay away from the work since 25-08-2014. The Employer stated that the Workman further contended that he was forced to attend Apollo Victor Hospital regularly between 17-11-2003 to 25-08-2004 and was advised complete rest from 25-08-2004 to 20-09-2004. The Employer stated that the Workman wished to attend the work, but on account of unbearable pains, he could not attend. The Employer submitted that the Workman further contended that he had approached the ESI dispensary at Margao from 24-09-2004 to 16-10-2004 and that he had written a letter to the Asstt. Traffic Sir, MRC Depot, Margao on 17-10-2004 informing about his sickness. The Employer submitted that the Workman further contended that he produced copies of certificate mentioned above and also informed that he would report for work on 17-10-2004. The Employer stated that the Workman further stated that he was however, not allowed to report for work from 17-10-2004 by the ATS. The Employer submitted that the Workman contended that he met the Chairman, Mr. Manohar Parrikar and informed him that the ATS has not allowed him to report for work and that the Chairman wrote a letter to the Vice-Chairman, Mr. Sopte, who assured him that he would look into the matter. The Employer stated that Workman met the Personnel Officer and Dy. Vice-GM, who told him that they would send a letter to him. The Employer stated that the Workman received a letter dated 08-02-2005, but, he could not reply as well as report to the P.O. as the Workman was undergoing treatment for the kidney stone from 08-02-2005 to 20-03-2005 and that he is willing and ready to join the employment at the earliest as his absence was due to medical conditions. The Employer stated that vide its letter dated 03-04-2005, they advised Adv. Mr. Rajeev Gomes to produce original ESI certificates of the sickness of the Workman to confirm his sickness as well as acknowledgment copy of the letter of the Workman, by which he intimated to the Depot Manager about his sickness. The Employer stated that the Workman had never approached the Personnel Officer and Mr. V.V. Kunkolienkar to intimate about his sickness and that inspite of the letter sent to him, but the Workman, though acknowledged the said letter, did not report for work. The Employer stated that the Workman did not report for work thereafter and as such the services of the Workman were terminated w.e.f. 02-04-2007.



7. The Employer stated that thereafter on 01-10-2008, KTC Drivers and Allied Employees Association raised an industrial dispute with the Dy. Labour Commissioner and Conciliation Officer, Margao alleging illegal dismissal of the services of the Workman w.e.f. 17-10-2004. The Employer stated that during the conciliation on 21-10-2011, its Personnel Officer filed an application dated 21-10-2011 informed its willingness to allow the Workman to join the duties at Margao depot with immediate effect by protecting his last pay drawn at the time of alleged termination. The Employer stated that on 21-10-2011, neither the Workman nor his representative attended the proceedings and as such the copy of the said application was placed in the file of the Conciliation Officer. The Employer stated that the Workman did not attend the proceedings on 03-11-2011 and as such the application was not served to the Workman by the Conciliation Officer. The Employer stated that thereafter, the matter was taken up only on 06-12-2012 and on 24-01-2013 on which date a copy of the said application dated 21-10-2011 was served to the Workman by the Conciliation Officer. The Employer stated that though the Workman was offered re-employment by them on the conditions prevailing as on the alleged date of termination, the Workman did not join the duties at Margao depot on receipt of the application dated 21-10-2011 on 24-01-2013 nor filed his reply to the said application. The Employer stated that in view of the fact that the Workman neither reported for work as per the offer given to him nor replied to the said application, the Workman is not interested in working with them and hence no relief could be given to the Workman. The Employer stated that as per the proceedings of 16-04-2013, the Workman desired to accept the offer with conditions, which cannot be done. The Employer stated that the proposal given by them was not accepted by the Workman and thereafter the conciliation proceedings before the Dy. Labour Commissioner, resulted in failure on 05-08-2013 due to adamant attitude of the Workman. The Employer therefore submitted that the Workman is not entitled to the relief of reinstatement and back wages and other consequential benefits. The Employer submitted that its action in dismissing the Workman is legal, justified and no interference is called for. The Employer submitted that the Workman is in gainful/self-employed for last many years and is earning substantially. The Employer therefore prayed for rejection of the present reference.

8. Thereafter, the Workman filed his Re-joinder on 20-07-2015 at Exb. 8. The Workman, by way of his Re-joinder, confirms and reiterates all his submissions, averments and statements made in

his Claim Statement to be true and correct and denied all the statements, averments and submissions made by the Employer in its Written Statement, which are contrary to his statement and averments made in his Claim Statement.

9. Based on the pleadings filed by the respective parties, this court framed the following issues on 20-07-2015 at Exb. 8.

1. Whether a free, fair and proper enquiry was conducted against the Workman/Party-I in respect of charge-sheet dated 03-03-2004?
2. Whether the charges of misconduct leveled against the Workman has been proved to the satisfaction of this court by acceptable evidence?
3. Whether the Workman/Party-I proves that the action of the Employer Corporation in refusing him employment w.e.f. 17-10-2004, is illegal and unjustified?
4. Whether the Workman/Party-I proves that the action of the Employer Corporation in dismissing him from services vide their order dated 02-04-2007, is illegal and unjustified?
5. Whether the Employer/Party-II proves that the present order of reference is not maintainable in law in view of the reasons stated in para 2(a), 2 (b) and 2 (c) of the Written Statement?
6. Whether the Workman/Party-I he is entitled to any relief?
7. What order? What award?
10. Thereafter, on 27-02-2017, Ld. Adv. Shri G.B. Kamat, along with the Workman remained present, the Employer was represented by Adv. Shri P. Agarwal. Both the parties submitted that they have arrived to the interim settlement on the following consent terms, which are reproduced hereunder:
  1. It is agreed in between the parties that pending final disposal of the issues framed by the Hon'ble Labour Court in the above reference, the Workman/Workman will be re-instated in the services of the Employer/WorkmanI as Heavy Vehicle Driver.
  2. It is agreed between the parties, that the basic pay corresponding under VIth Pay Commission in the pay band of Rs. 5200-20200+1900/- at the time of dismissal of the Workman/Workman will be protected.
  3. It is agreed in between the parties that, the claim of Party-I for wages, annual increments etc. between the period from the date of his dismissal from service till the date of

application dated 21-10-2011 shall be subject to the final decision of the case in Ref. No. IT/30/2013.

4. It is agreed by the Workman/Workman that he will fully co-operate with the Employer/Workman in maintaining the discipline and smooth functioning of the Kadamba Transport Corporation Limited.

11. Thereafter, the case was fixed for the evidence of the Workman. The Workman also filed his affidavit in evidence. The Workman has however, failed to remain present for his further examination-in-chief as well as cross-examination by the Ld. Advocate of the Employer. The Workman has been given ample opportunities to lead his evidence, however, he failed to do so. Neither the Workman nor his advocate on record remained present on the date of hearings held on 28-08-2019 and as such his evidence was closed. Ld. Adv. Shri P. Agarwal appearing for the Employer submitted that since the Workman has not lead any evidence, the Employer also does not wish to lead any evidence in the present matter. Thus, neither the Workman nor the Employer led any evidence either oral or documentary in support of their case respectively. Hence, in the absence of any evidence on record, it is held that the Workman failed to prove that he is entitled for back wages between the period from the date of his dismissal from service till date of his application dated 21-10-2011 as per Clause 3 of the terms of consent settlement at Exb.17.

In view of the above, I proceed to pass the following Order:

#### ORDER

1. It is held that the dispute referred by the Government as to "whether the action of the management of M/s. Kadamba Transport Corporation Limited, Alto Porvorim, Goa, in refusing employment to Shri Sadanand Pokle, Driver with effect from 17-10-2004 and thereafter dismissing him from services by their order dated 02-04-2007, is legal and justified", does not survive.
2. It is further held that the Workman Shri Sadanand Pokle, Driver, having been reinstated, not entitled to any further relief.
3. No Order as to Costs.

Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar)  
Presiding Officer,  
Labour Court-II.

#### Notification

No. 28/2/2020-LAB/Part-I

The following award passed by the Labour Court-II, at Panaji-Goa on 30-12-2019 in Case No. IT/26/12 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 16th January, 2020.

THE LABOUR COURT-II  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. IT/26/12

Shri Rajesh Keshav Gaonkar,  
H. No. 118, Mala,  
Panaji-Goa.

... Workman/Party-I

V/s

The Managing Director,  
The Goa State Co-op. Bank Ltd.,  
EDC Complex, Patto Plaza,  
Panaji-Goa.

... Employer/Party-II

Party-I/Workman represented by Shri Subhash Naik George.

Party-II/Employer represented by Adv. M.H. Govekar.

Panaji, Dated: 30-12-2019.

#### AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 28-05-2012, bearing No. 28/02/2012-LAB/262, referred the following dispute for adjudication to the Industrial Tribunal of Goa. Pending the matter for its adjudication before the Hon'ble Industrial Tribunal-cum-Labour Court, Panaji-Goa, the Govt. of Goa, transferred the present reference for its adjudication to this Labour Court II, vide its order No. 28/12/2011-Lab/86 dated 09-02-2016.

"(1) Whether the action of the Goa State Co-operative Bank Ltd., Panaji-Goa, in dismissing from service its workman

*Shri Rajesh K. Gaonkar, Peon, with effect from 15-04-2008, is legal and justified?*

(2) *If not, what relief the Workman is entitled to?"*

2. On receipt of the reference, a case was registered under No. LC-II/IT/26/12 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 11-09-2012 at Exb-5. The facts of the case in brief as pleaded by the Workman are that the Employer/Party II (for short, "Employer") is an Apex Co-operative Bank in the State of Goa and is run by its board of directors, elected from time to time. He stated that the employees of the Employer Bank are members of Goa State Co-operative Bank Employees' Union, which is a registered union. He stated that the Employer has entered into settlements with its employees union from time to time on improving wages and service conditions of its employees. He stated that the last wage settlement has been signed between the Employer bank and its employees union on 09-11-2008 and registered in the office of Labour Commissioner as per the provisions of the Industrial Disputes Act, 1947.

3. He stated that he was employed with the Employer as Sub-staff/Peon w.e.f. 12-12-1995. He stated that initially, he was posted at the head office of the Employer branch and thereafter at the Mercedes branch. He stated that at the time of termination of his services, he was working at Taleigao branch of the Employer. He stated that one of his duties was to open the bank early in the morning, before office hours for cleaning purpose. He stated that a fraud had taken place at Taleigao branch and the Employer alleged that its clerks and officers of the said branch were involved in the said fraud. He stated that in pursuance to the said fraud, the bank had issued charge-sheet to its Clerk, Shri Santosh Mahadik, Mrs. Vidya Nadkarny and officer Shri Babli Chodankar alleging that they were involved in the said fraud and departmental enquiry was conducted against them. He stated that the Enquiry Officer gave report holding all the aforesaid employees are guilty of misconducts alleged against them in the charge-sheet issued to them respectively. He stated that thereafter, even show-cause notices were also issued to aforesaid three employees, asking why they should not be dismissed from services on account of proved charges of misconduct in the enquiry. He stated that after receiving the replies of all the aforesaid

three employees, the Employer dismissed all the aforesaid three employees from its service, by way of dismissal. He stated that all the aforesaid three employees namely its Clerk, Shri Santosh Mahadik, Mrs. Vidya Nadkarny and officer Shri Babli Chodankar were reinstated back in service, after they requested in writing to the Employer. He stated that all the aforesaid three employees are working in the Employer bank.

4. He stated that for the first time, he was issued a charge-sheet dated 23-02-2007 alleging certain acts of misconduct against him by the Employer. He stated that Adv. Shri Arun Naik was appointed as an Enquiry Officer to conduct an enquiry against him. He stated that Mr. D.B. Bandodkar was also appointed as Management Representative. He stated that Mr. Subhash Naik George, the President of the employees union represented him in the said enquiry. He stated that after the enquiry, the Enquiry Officer gave his findings, holding that he is guilty of the charges levelled against him, though there was no evidence to that effect. He stated that thereafter the Employer terminated him from its service with immediate effect vide its letter dated 15-04-2008.

5. He contended that the enquiry conducted against him is in violation of the principles of natural justice. He submitted that the findings submitted by the Enquiry Officer are perverse and not based on evidence on record. He submitted that the punishment of termination of service w.e.f. 15-04-2008 meted out to him is illegal and unjustified, besides being malafide. Without prejudice to the above and without admitting that he had committed misconduct, he submitted that the punishment meted out to him is highly disproportionate and unjust, taking into account the facts and circumstances of the case. He submitted that the enquiry was conducted in violation of the provisions of the service rule and as such it is null and void.

6. He submitted that he is unemployed since the date of his termination. He submitted that he tried to secure the jobs, however, he did not succeed. He submitted that the termination of his service has cast a stigma on him and people would not like to give him a job due to the said stigma. The Workman therefore prayed for reinstatement in service with full back wages and continuity in service.

7. The Employer resisted the claim of the Workman by filing its written statement on 18-01-2013 at Exb. 6. The Employer submitted that the dispute referred by the Government of Goa is

bad-in-law as it is a multi-state co-operative society, registered under the Multi-State Co-operative Societies Act, 2002. The Employer stated that its business has been spread over in more than one state and as such the Appropriate Government is the Central Government and not the State Government. The Employer submitted that the claim of the Workman is baseless, frivolous, vexatious and based on distorted facts. The Employer submitted that the claim does not disclose any cause of action and as such the claim is liable to be dismissed for want of cause of action.

8. The Employer admitted that it is an Apex Co-op. Bank for the State of Goa, controlled by its members. The Employer stated that it has its own bye-laws/rules and regulations governing the internal management, business and administration. The Employer stated that the ultimate authority of bank is vested in the General Body of its members i.e. consisting of representatives from affiliated societies, delegates from individual members. The Employer denied that all its clerical and sub-staff employees are the members of the union, namely Goa State Co-op. Bank Employees union and that the said union is a recognized union. The Employer stated that the said union has not been registered as a union as required under the law and hence, the said union cannot raise the dispute against them before any authority or court of law.

9. The Employer stated that the service record of the Workman since the time he joined in its service, is full of memos, warnings etc. for the acts of misconduct committed by him. The Employer stated that the Workman was never diligent, devoted and sincere in the matter of discharge of his official duties. The Employer stated that the Workman was issued two warning letters one dated 12-12-1997 and another dated 28-09-2004 and a memo dated 16-03-2006 for his acts of misconduct. The Employer stated that the Workman was also issued three memorandums one dated 21-03-1998, second dated 22-1-2004 and third dated 31-08-2004. The Employer stated that the Workman was issued a charge-sheet for his acts of commission and omission and irregularities. The Employer stated that the said acts of misconducts committed by the Workman is grave and serious in nature and is a major misconduct in terms of its service rules applicable to its employees.

10. The Employer stated that the Workman, with his fraudulent intension and in connivance with one Shri Gurunath G. Naik, Smt. Vidhya P. M. S. Nadkarny and Shri Santosh K. Mahadi, opened the bank premises at Taleigao branch on several days

after closure of the banking hours and on Sundays and holidays, in order to make fraudulent entries in various accounts during his tenure with the bank at Taleigao branch. The Employer stated that the Workman assisted and allowed the aforesaid persons to make fraud amounting to crores of rupees in the customer's account maintained with said branch, involving the bank's fund. The Employer stated that as a result, it has suffered heavy financial losses in its business and also the goodwill of the reputed customers.

11. The Employer stated that on 02-12-2016, the Workman allowed Shri Gurunath Naik, who was not the staff of Taleigao branch at the relevant time, to enter the bank premises of Taleigao branch before normal working hours and to interfere with the records of the bank. The Employer stated that further the Workman did not inform the said fact immediately to his officer/manager on the same day about the visit of Shri Gurunath Naik and his handling of books of accounts and interference with the bank's records in that branch. The Employer submitted that the aforesaid act of the Workman amounts to misconduct. The Employer stated that the Workman acted against the principles and norms of the bank and caused the bank to suffer heavy financial loss. The Employer submitted that they had lost the complete faith in the Workman. The Employer stated that the Workman failed to perform and discharge his duties entrusted to him with honesty, integrity and efficiently.

12. The Employer submitted that the Workman has committed serious acts of omission and commission and irregularities, while discharging his duties and acted in a manner not befitting a bank employee and against the interest of the bank. The Employer stated that vide office order dated 27-01-2007, the Workman was placed under suspension with immediate effect in contemplation of disciplinary action against him. The Employer stated that thereafter the Workman was issued a charge-sheet dated 23-02-2007. The Employer stated that the Workman submitted his reply to the aforesaid charge-sheet. The Employer stated that as they were not satisfied with the reply submitted by the Workman, it decided to conduct an enquiry against the Workman, vide order dated 12-04-2007 by appointing Adv. Arun Naik as Enquiry Officer. The Employer stated that Mr. D.B. Gaonkar, General Manager (Vigilance), was appointed as Presenting Officer in the same enquiry. The Employer stated that the Workman was represented by Shri Subhash Naik George as his Defence Representative. The Employer



submitted that Enquiry Officer conducted the enquiry in due compliance with the principles of natural justice. The Employer stated that after completion of the management evidence, the Workman chose not to examine any witness in support of his defence by remaining absent on the scheduled date of hearings, so much so that the Enquiry Officer closed the evidence of the Workman by giving him ample opportunities. The Employer stated that thereafter the Enquiry Officer submitted his report, vide its report dated 31-12-2007.

13. The Employer submitted that the disciplinary authority considered the report of the Enquiry Officer as well as the say given by the Workman, the grave and serious nature of misconduct committed by the Workman and took a conscious decision of dismissal of Workman from service. The Employer submitted that the Workman has been dismissed from service by its disciplinary authorities, by an order dated 15-04-2008. The Employer denied that the termination of service of the Workman is illegal and unjustified as it is in violation of principles of natural justice. The Employer submitted that it would lead evidence and demonstrate that the action taken by them against the Workman for acts of grave misconduct is legal, justified and warranted and that the Workman is not entitled to any relief.

14. The Employer denied that the Workman is unemployed since the termination of his service. The Employer stated that the Workman sustained himself by going for fishing at Four Pillars at Panaji. The Employer stated that the wife of the Workman does bidding for sarees and does other odd jobs, which keeps the fire burning at home. The Employer therefore prayed that the present claim of the Workman be dismissed with cost.

15. Though the Workman was given opportunities to file his rejoinder if any to the written statement filed by the Employer, Ld. Rep. Shri Subhash Naik George, appearing for the Workman, during the course of hearing on 01-04-2013 orally submitted that the Workman does not wish to file any rejoinder.

16. Based on the pleadings filed by the respective parties, the Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court framed certain issued on 20-06-2013 at Exb. 07.

17. Thereafter, this Hon'ble Court disposed off the preliminary issue No. 1 and 2, vide order dated 20-07-2017 after hearing both the parties and as the enquiry was quashed and set aside vide the aforesaid order dated 20-07-2017, the matter was

fixed for the additional evidence of the Employer. The Employer also examined its first witness namely Shri Vasudev S. Madkaikar, its General Manager-Administration (I/C). He was partly cross-examined by Ld. Rep. Shri Subhash Naik Jorge appearing for the Workman. It is at this stage, Ld. Rep. Shri Subhash Naik Jorge as well as Ld. Adv. Shri M. H. Govekar appeared before me on 16-04-2019 and submitted that they are trying to settle the matter amicably between the parties and accordingly, on 23-12-2019, both the parties alongwith their representatives respectively remained present and filed the consent terms of settlement which is on record at Exb. 40 and prayed for passing the consent award. The terms of settlement appearing in Exb. 40 are reproduced hereunder:

1. It is mutually agreed between the parties hereto that Shri Rajesh K. Gaonkar, Party No. 1 herein will be reinstated in service of Party No. II Bank with immediate effect without any back wages.
2. It is mutually agreed between the parties hereto that the reinstatement of Shri Rajesh K. Gaonkar will be with continuity in service from 15-04-2008.
3. It is further mutually agreed between the parties hereto that Shri Rajesh K. Gaonkar will not be entitled to/for any back wages upon his reinstatement in service.
4. It is mutually agreed between the parties that Shri Rajesh K. Gaonkar will be entitled only to his annual increments from the last increment released to him for calculation of his fitment (i.e. his basic pay should be fixed after adding all the increments from the date of his last increment without any arrears of increments).
5. It is mutually agreed between the parties that Shri Rajesh K. Gaonkar will not be entitled for benefits of any kind of leave during the period of his termination.
6. It is further mutually agreed between the parties that Shri Rajesh K. Gaonkar will adhere to the service rules in future and give no scope for complaints.
7. On execution of the present consent Decree/Terms, the Party No. 1 shall have no claim demand of whatsoever against the Party No. II in respect of the relief claimed in the present case or in respect to the above said issue in future.

I have carefully perused the said terms of settlement at Exb. 40 signed by and between the parties hereinabove. The said terms of settlement are beneficial to both the parties. Hence, I consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of the above, I proceed to pass the following order:

## ORDER

1. It is held that the action of the Goa State Co-operative Bank Limited, Panaji-Goa, in dismissing from service its workman Shri Rajesh K. Gaonkar, Peon, with effect from 15-04-2008, is legal and justified?, does not survive.
2. The Workman, Shri Rajesh K. Gaonkar, is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar)  
Presiding Officer,  
Labour Court-II.

## Notification

No. 28/2/2020-LAB/Part-III/61

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 23-12-2019 in reference No. IT/13/15 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 21st January, 2020.

IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA  
AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding Officer)

Ref. No. IT/13/15

The General Secretary,  
Higher Secondary & College  
Attendants Association of Goa,  
F-6, Block 4, Galaxy Apartments,  
Khorlim, Mapusa,  
Goa 403 507. ... Workmen/Party I

Vs.

1. Mustifund Higher Secondary School,  
Near Mahalaxmi Temple,  
Dada Vaidhya Road,  
Panaji, Goa 403 001. ... Employer/Party II(1)
2. The Directorate of Education,  
Government of Goa,  
Porvorim-Goa. ... Employer/Party II(2)

Workmen/Party I represented by Shri Subhash Naik Jorge.

Employer/Party II(1) represented by Ld. Adv. Shri L. V. Palekar.

Employer/Party II(2) ex-parte.

## AWARD

(Delivered on this the 23rd day of the month  
of December, of the year 2019)

By Order dated 24-04-2015, bearing No. 28/49/2014-Lab/475, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.

*"(1) Whether the action of the management of Mushtifund Higher Secondary School, Panaji, Goa, in refusing to concede the following demands of the workmen, represented by the Higher Secondary and College Attendants Association of Goa, is legal and justified?"*

## CHARTER OF DEMANDS

- (i) *Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to the Laboratory Assistants and Librarian every year as per rules.*
- (ii) *Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.*
- (iii) *The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 hours work, Laboratory Attendants and Library*

*Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospective from the date of joining till the date this issue is settled.*

(iv) *Laboratory Attendants and Library Attendants should be treated as Group "C" employees as per rules.*

(v) *Laboratory Attendants should be provided Lab Coats and Lab Safety Shoes while at work.*

(2) *If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"*

2. Upon receipt of the reference, it was registered as IT/13/15 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exh. 7 and Party II(1) filed written statement at Exh. 12.

3. In short, the case of the Party I is that the Party II(1) is a Higher Secondary School which has been operating for last several decades managed by the managing committee and is governed by Goa Education Act and Rules and the orders of Directorate of Education, Government of Goa. The managing committee is the appointing authority for all the teaching and non-teaching staff. The Laboratory and Library Attendants have been appointed by the Party II(1) and have been placed under supervision and control of head of Higher Secondary School. The Laboratory and Library Assistants across 17 different Higher Secondary Schools and Colleges have formed their Union and they are the members of Higher Secondary and College Attendants Association. The Party I have raised a Charter of demands dated 4-11-2013 with Directorate of Education and 17 Higher Secondary Schools and Colleges. The Directorate of Education in its reply dated 16-12-2013 stated that the Association should approach their respective employers for demands since they have been appointed by the respective management. The Association then raised a Charter of demands with the Party II(1) vide letter dated 24-3-2014. The Party II(1) did not reply to the Charter of demands and as such the Party I approached the Labour Commissioner for conciliation who requested the Party II(1) to attend the conciliation proceedings and as the Party II(1) refused to discuss the demands, the Assistant Labour Commissioner recorded a failure of the conciliation proceedings. The demands raised by Party I are legal and justified as per the Goa Education Act and Rules

and direction issued by the Government of Goa from time to time. The action of the management in rejecting the demands of the Party I is illegal and unjustified. Hence, the reference.

4. The Party II(1) filed a written statement inter-alia contending that the Party I is not competent to raise the dispute. The Charter of demands was submitted by Association without any authorization or support of the members. The alleged dispute is not an industrial dispute as the demands were not raised on the Party II. The Industrial Tribunal is not the appropriate forum for adjudicating the dispute. The terms of reference does not include the State Government which is the body that provides the grants for the payment of wages and other monetary benefits to the employees.

5. It is a matter of record that the Party II(1) has filed an application for addition of Directorate of Education, Government of Goa as Party to the proceedings and as the Party I has given no objection, Directorate of Education, Government of Goa has been added as Party II(2). The Party II(2) thereafter filed a written statement inter-alia contending that the Chairman of the School Managing Committee is the appointing authority of the workmen in the higher secondary schools concerned in Goa and they are governed by Goa School Education Act, 1984 and Rules, 1986 and the circulars issued from time to time. The Party I are not the employees of the Directorate of Education and therefore the reference be dismissed.

6. Issues that came to be framed at Exh. 15 are as follows:

- (1) Whether the Party I prove that the action of Party II in refusing to concede their demands mentioned in the schedule, is illegal and unjustified?
- (2) Whether Party II proves that the Industrial Tribunal is not the appropriate forum for adjudicating the dispute?
- (3) What Relief? What Award?

7. It is a matter of record that the matter was posted for evidence and during the course of proceedings, Shri Subhash Naik Jorge for the Party I has filed an application along with a Circular dated 17-12-2019 issued by the Directorate of Higher Education, Government of Goa at Exh. 24 colly stating that the Under Secretary (Higher Education) issued the Circular fixing working hours of 6.30 hrs. per day excluding lunch break for all

Educational Institutions observing 6 days a week for Party I workmen i.e. Laboratory and Library Attendants and that 6.30 hrs. per day has been their demand and the same is acceptable to them and that the Party I does not wish to pursue the present reference pertaining to the working hours and with regard to other demands, the Party I has filed a Writ Petition No. 86/2019 in the Hon'ble High Court of Bombay at Panaji, Goa Bench and that they are pursuing those demands before other authorities and hence, the Party I does not wish to pursue the same before this authority and therefore the matter may be closed. Needless to mention, the above circular has been issued by Directorate of Higher Education and not the Directorate of Education, concerned in the present reference. Be that as it may, it appears that the Party I workmen are satisfied with the above circular. It also appears that the Party I is not interested in pursuing the matter, although evidence has been led, for the reasons stated above. Therefore, there remains no dispute, claim and/or demand of whatsoever nature against each other in the present reference.

8. In view above, I pass the following:

#### ORDER

- (i) The reference stands disposed of in terms of the application at Exhibit 24 colly.
- (ii) No order as to costs.
- (iii) Inform the Government accordingly.

Sd/-  
(Vincent D'Silva)  
Presiding Officer,  
Industrial Tribunal and  
Labour Court.

#### Notification

No. 28/2/2020-LAB/Part-III/63

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 23-12-2019 in reference No. IT/12/15 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).  
Porvorim, 21st January, 2020.

#### IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding Officer)

Ref. No. IT/12/15

The General Secretary,  
Higher Secondary & College  
Attendants Association of Goa,  
F-6, Block 4, Galaxy Apartments,  
Khorlim, Mapusa,  
Goa 403 507. ... Workmen/Party I

Vs.

1. People's Higher Secondary School,  
Rua de Ourem, Mala,  
Panaji, Goa 403 001. ... Employer/Party II(1)
2. Directorate of Education,  
Government of Goa,  
Porvorim-Goa. ... Employer/Party II(2)

Workmen/Party I represented by Shri Subhash Naik Jorge.

Employer/Party II(1) represented by Ld. Adv. Shri R. Rao.

Employer/Party II(2) ex-parte.

#### AWARD

**(Delivered on this the 23rd day of the month of December, of the year 2019)**

By Order dated 24-4-2015, bearing No. 28/51/2014-Lab/464, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.

*"(1) Whether the action of the management of People's Higher Secondary School, Rua De Ourem, Mala, Panaji, Goa, in refusing to concede the following demands of it's workmen, represented by the Higher Secondary and College Attendants Association of Goa, is legal and justified?"*

#### CHARTER OF DEMANDS

- (i) *Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to the Laboratory Assistants and Librarian every year as per rules.*



- (ii) *Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.*
- (iii) *The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 hours work, Laboratory Attendants and Library Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospective from the date of joining till the date this issue is settled.*
- (iv) *Laboratory Attendants and Library Attendants should be treated as Group "C" employees as per rules.*
- (v) *Laboratory Attendants should be provided Lab Coats and Lab Safety Shoes while at work.*
- (2) *If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"*

2. Upon receipt of the reference, it was registered as IT/12/15 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exb. 9 and Party II(1) filed written statement at Exh. 12.

3. In short, the case of the Party I is that the Party II(1) is a Higher Secondary School which has been operating for last several decades managed by the managing committee and is governed by Goa Education Act and Rules and the orders of Directorate of Education, Government of Goa. The managing committee is the appointing authority for all the teaching and non-teaching staff. The Laboratory and Library Attendants have been appointed by the Party II(1) and have been placed under supervision and control of head of Higher Secondary School. The Laboratory and Library Assistants across 17 different Higher Secondary Schools and Colleges have formed their Union and they are the members of Higher Secondary and College Attendants Association. The Party I have raised a Charter of demands dated 4-11-2013 with Directorate of Education and 17 Higher Secondary Schools and Colleges. The Directorate of Education in its reply dated 16-12-2013 stated that the Association should approach their respective employers for demands since they have been appointed by the respective management. The Association then raised a Charter of demands with the Party II(1) vide letter dated 24-3-2014. The

Party II(1) did not reply to the Charter of demands and as such the Party I approached the Labour Commissioner for conciliation who requested the Party II(1) to attend the conciliation proceedings and as the Party II(1) refused to discuss the demands, the Assistant Labour Commissioner recorded a failure of the conciliation proceedings. The demands raised by Party I are legal and justified as per the Goa Education Act and Rules and direction issued by the Government of Goa from time to time. The action of the management in rejecting the demands of the Party I is illegal and unjustified. Hence, the reference.

4. In the Written statement, the Party II(1) has claimed that the Party I has no legal character to maintain the present proceedings and that in the claim statement the Party I has not disclosed the nature of association, its address, its composition and under which law such association stands registered or formed and therefore the present reference be rejected. The demands made by the Party I are unlawful and illegal and cannot be enforced against the Party II(1) as the Party II(1) is not the employer of Party I for the purpose of Industrial Disputes Act, 1947.

5. It is a matter of record that the Party II(1) has filed an application for addition of Directorate of Education, Government of Goa as Party to the proceedings and as the Party I has given no objection, Directorate of Education, Government of Goa has been added as Party II(2). The Party II(2) thereafter filed a written statement inter-alia contending that the Chairman of the School Managing Committee is the appointing authority of the workmen in the higher secondary schools concerned in Goa and they are governed by Goa School Education Act, 1984 and Rules, 1986 and the circulars issued from time to time. The Party I are not the employees of the Directorate of Education and therefore the reference be dismissed.

6. Issues that came to be framed at Exh. 15 are as follows:

- (1) Whether the Party I proves that the action of Party II in refusing to concede their demands mentioned in the schedule, is illegal and unjustified?
- (2) What Relief? What Award?

7. It is a matter of record that the matter was posted for evidence and during the course of proceedings, Shri Subhash Naik Jorge for the Party I has filed an application along with a Circular dated 17-12-2019 issued by the Directorate of

Higher Education, Government of Goa at Exh. 17 colly stating that the Under Secretary (Higher Education) issued the Circular fixing working hours of 6.30 hrs. per day excluding lunch break for all Educational Institutions observing 6 days a week for Party I workmen i.e. Laboratory and Library Attendants and that 6.30 hrs. per day has been their demand and the same is acceptable to them and that the Party I does not wish to pursue the present reference pertaining to the working hours and with regard to other demands, the Party I has filed a Writ Petition No. 86/2019 in the Hon'ble High Court of Bombay at Panaji, Goa Bench and that they are pursuing those demands before other authorities and hence, the Party I does not wish to pursue the same before this authority and therefore the matter may be closed. Needless to mention, the above circular has been issued by Directorate of Higher Education and not the Directorate of Education, concerned in the present reference. Be that as it may, it appears that the Party I workmen are satisfied with the above circular. It also appears that the Party I is not interested in pursuing the matter for the reasons stated above. Therefore, there remains no dispute, claim and/or demand of whatsoever nature against each other in the present reference.

8. In view above, I pass the following:

#### ORDER

- (i) The reference stands disposed of in terms of the application at Exhibit 17 colly.
- (ii) No order as to costs.
- (iii) Inform the Government accordingly.

Sd/-  
(Vincent D'Silva)  
Presiding Officer,  
Industrial Tribunal and  
Labour Court.

#### Notification

No. 28/2/2020-LAB/Part-III/64

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 23-12-2019 in reference No. IT/31/15 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).  
Porvorim, 21st January, 2020.

#### IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding  
Officer)

Ref. No. IT/31/15

The General Secretary,  
Higher Secondary & College  
Attendants Association of Goa,  
F-6, Block 4, Galaxy Apartments,  
Khorlim, Mapusa,  
Goa 403 507. ... Workmen/Party I

Vs.

1. Ponda Education Society's,  
Shri Ravi Sitaram Naik  
Higher Secondary  
School of Arts, Science,  
Commerce & Vocational  
Studies, Farmagudi,  
Ponda, Goa-403 401. ... Employer/Party II(1)
2. Directorate of Education,  
Government of Goa,  
Porvorim-Goa. ... Employer/Party II(2)

Workmen/Party I represented by Shri Subhash Naik Jorge.

Employer/Party II(1) represented by Ld. Adv. Shri G. K. Sardessai.

Employer/Party II(2) ex-parte.

#### AWARD

(Delivered on this the 23rd day of the month  
of December, of the year 2019)

By Order dated 01-9-2015, bearing No. 28/43/2015-Lab/824, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.

*"(1) Whether the action of the management of Ponda Education Society's, Shri Ravi Sitaram Naik Higher Secondary School of Arts, Science, Commerce & Vocational Studies, Farmagudi, Ponda, Goa, in refusing to concede the following demands raised by the Higher Secondary and College Attendants Association of Goa, vide it's letter dated 31-12-2014, is legal and justified?"*

## CHARTER OF DEMANDS

- (i) *Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to the Laboratory Assistants and Librarian every year as per rules.*
  - (ii) *Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.*
  - (iii) *The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 hours work, Laboratory Attendants and Library Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospective from the date of joining till the date this issue is settled.*
  - (iv) *Laboratory Attendants and Library Attendants should be treated as Group "C" employees as per rules.*
  - (v) *Laboratory Attendants should be provided Lab Coats and Lab Safety Shoes while at work.*
- (2) *If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"*

2. Upon receipt of the reference, it was registered as IT/31/15 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exb. 6 and Party II(1) filed written statement at Exh. 9.

3. In short, the case of the Party I is that the Party II(1) is a Higher Secondary School which has been operating for last several decades managed by the managing committee and is governed by Goa Education Act and Rules and the orders of Directorate of Education, Government of Goa. The managing committee is the appointing authority for all the teaching and non-teaching staff. The Laboratory and Library Attendants have been appointed by the Party II(1) and have been placed under supervision and control of head of Higher Secondary School. The Laboratory and Library Assistants across 17 different Higher Secondary Schools and Colleges have formed their Union and they are the members of Higher Secondary and College Attendants Association. The Party I have raised a Charter of demands dated 4-11-2013 with Directorate of Education and 17 Higher Secondary Schools and Colleges. The Directorate of Education

in its reply dated 16-12-2013 stated that the Association should approach their respective employers for demands since they have been appointed by the respective management. The Association then raised a Charter of demands with the Party II(1) vide letter dated 24-3-2014. The Party II(1) did not reply to the Charter of demands and as such the Party I approached the Labour Commissioner for conciliation who requested the Party II(1) to attend the conciliation proceedings and as the Party II(1) refused to discuss the demands, the Assistant Labour Commissioner recorded a failure of the conciliation proceedings. The demands raised by Party I are legal and justified as per the Goa Education Act and Rules and direction issued by the Government of Goa from time to time. The action of the management in rejecting the demands of the Party I is illegal and unjustified. Hence, the reference.

4. The Party II(1) filed a written statement inter-alia contending that the Party I is not competent to raise the dispute. The Charter of demands was submitted by Association without any authorization or support of the members. The alleged dispute is not an industrial dispute as the demands were not raised on the Party II. The Industrial Tribunal is not the appropriate forum for adjudicating the dispute. The terms of reference does not include the State Government which is the body that provides the grants for the payment of wages and other monetary benefits to the employees.

5. It is a matter of record that the Party II(1) has filed an application for addition of Directorate of Education, Government of Goa as Party to the proceedings and as the Party I has given no objection, Directorate of Education, Government of Goa has been added as Party II(2). The Party II(2) thereafter filed a written statement inter-alia contending that the Chairman of the School Managing Committee is the appointing authority of the workmen in the higher secondary schools concerned in Goa and they are governed by Goa School Education Act, 1984 and Rules, 1986 and the circulars issued from time to time. The Party I are not the employees of the Directorate of Education and therefore the reference be dismissed.

6. Issues that came to be framed at Exh. 12 are as follows:

- (1) Whether the Party I proves that the action of Party II in refusing to concede their demands mentioned in the schedule, is illegal and unjustified?

(2) Whether Party II proves that the Industrial Tribunal is not the appropriate forum for adjudicating the dispute?

(3) What Relief? What Award?

7. It is a matter of record that the matter was posted for evidence and during the course of proceedings, Shri Subhash Naik Jorge for the Party I has filed an application along with a Circular dated 17-12-2019 issued by the Directorate of Higher Education, Government of Goa at Exh. 21 colly stating that the Under Secretary (Higher Education) issued the Circular fixing working hours of 6.30 hrs. per day excluding lunch break for all Educational Institutions observing 6 days a week for Party I workmen i.e. Laboratory and Library Attendants and that 6.30 hrs. per day has been their demand and the same is acceptable to them and that the Party I does not wish to pursue the present reference pertaining to the working hours and with regard to other demands, the Party I has filed a Writ Petition No. 86/2019 in the Hon'ble High Court of Bombay at Panaji, Goa Bench and that they are pursuing those demands before other authorities and hence, the Party I does not wish to pursue the same before this authority and therefore the matter may be closed. Needless to mention, the above circular has been issued by Directorate of Higher Education and not the Directorate of Education, concerned in the present reference. Be that as it may, it appears that the Party I workmen are satisfied with the above circular. It also appears that the Party I is not interested in pursuing the matter, although evidence has been led, for the reasons stated above. Therefore, there remains no dispute, claim and/or demand of whatsoever nature against each other in the present reference.

8. In view above, I pass the following:

#### ORDER

- (i) The reference stands disposed of in terms of the application at Exhibit 21 colly.
- (ii) No order as to costs.
- (iii) Inform the Government accordingly.

Sd/-  
(Vincent D'Silva)  
Presiding Officer,  
Industrial Tribunal and  
Labour Court.

#### Notification

No. 28/2/2020-LAB/Part-III/65

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 23-12-2019 in reference No. IT/17/15 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 21st January, 2020.

IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA  
AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding Officer)

Ref. No. IT/17/15

The General Secretary,  
Higher Secondary & College  
Attendants Association of Goa,  
F-6, Block 4, Galaxy Apartments,  
Khorlim, Mapusa,  
Goa 403 507.

... Workmen/Party I

Vs.

1. The Chairman,  
St. Xavier Higher Secondary  
School, Mapusa, Bardez,  
Goa 403 507. ... Employer/Party II(1)
2. Directorate of Education,  
Government of Goa,  
Porvorim-Goa. ... Employer/Party II(2)

Workmen/Party I represented by Shri Subhash Naik Jorge.

Employer/Party II(1) represented by Ld. Adv. Shri V. Korgaonkar.

Employer/Party II(2) ex-parte.

#### AWARD

(Delivered on this the 23rd day of the month  
of December, of the year 2019)

By Order dated 24-6-2015, bearing No. 28/35/2015-Lab/628, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.



- “(1) *Whether the action of the management of St. Xavier’s Higher Secondary School, Mapusa, Goa, in refusing to concede the following demands submitted by the Higher Secondary and College Attendants Association of Goa, is legal and justified?*

#### CHARTER OF DEMANDS

- (i) *Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to the Laboratory Assistants and Librarian every year as per rules.*
  - (ii) *Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.*
  - (iii) *The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 hours work, Laboratory Attendants and Library Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospective from the date of joining till the date this issue is settled.*
  - (iv) *Laboratory Attendants and Library Attendants should be treated as Group “C” employees as per rules.*
  - (v) *Laboratory Attendants should be provided Lab Coats and Lab Safety Shoes while at work.*
- (2) *If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?”*

2. Upon receipt of the reference, it was registered as IT/17/15 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exb. 8 and Party II(1) filed written statement at Exh. 12.

3. In short, the case of the Party I is that the Party II(1) is a Higher Secondary School which has been operating for last several decades managed by the managing committee and is governed by Goa Education Act and Rules and the orders of Directorate of Education, Government of Goa. The managing committee is the appointing authority for all the teaching and non-teaching staff. The Laboratory and Library Attendants have been appointed by the Party II(1) and have been placed under supervision and control of head of Higher Secondary School. The Laboratory and Library

Assistants across 17 different Higher Secondary Schools and Colleges have formed their Union and they are the members of Higher Secondary and College Attendants Association. The Party I have raised a Charter of demands dated 4-11-2013 with Directorate of Education and 17 Higher Secondary Schools and Colleges. The Directorate of Education in its reply dated 16-12-2013 stated that the Association should approach their respective employers for demands since they have been appointed by the respective management. The Association then raised a Charter of demands with the Party II(1) vide letter dated 24-3-2014. The Party II(1) did not reply to the Charter of demands and as such the Party I approached the Labour Commissioner for conciliation who requested the Party II(1) to attend the conciliation proceedings and as the Party II(1) refused to discuss the demands, the Assistant Labour Commissioner recorded a failure of the conciliation proceedings. The demands raised by Party I are legal and justified as per the Goa Education Act and Rules and direction issued by the Government of Goa from time to time. The action of the management in rejecting the demands of the Party I is illegal and unjustified. Hence, the reference.

4. In the Written statement, the Party II(1) has claimed that the Party II(1) is run and managed by Diocesan Society of Education and employees are appointed by the said management and are governed by Goa School Education Act and Rules. The Party I are not the workmen within the meaning of Industrial Disputes Act and therefore no reference could be entertained by the Tribunal. The reference therefore may be dismissed.

5. It is a matter of record that the Party II(1) has filed an application for addition of Directorate of Education, Government of Goa as Party to the proceedings and as the Party I has given no objection, Directorate of Education, Government of Goa has been added as Party II(2). The Party II(2) thereafter filed a written statement inter-alia contending that the Chairman of the School Managing Committee is the appointing authority of the workmen in the higher secondary schools concerned in Goa and they are governed by Goa School Education Act, 1984 and Rules, 1986 and the circulars issued from time to time. The Party I are not the employees of the Directorate of Education and therefore the reference be dismissed.

6. Issues that came to be framed at Exh. 13 are as follows:

- (1) Whether the Party I proves that the action of Party II in refusing to concede their demands mentioned in the schedule, is illegal and unjustified?
- (2) Whether Party II proves that the Industrial Tribunal is not the appropriate forum for adjudicating the dispute?
- (3) What Relief? What Award?

7. It is a matter of record that the matter was posted for evidence and during the course of proceedings, Shri Subhash Naik Jorge for the Party I has filed an application along with a Circular dated 17-12-2019 issued by the Directorate of Higher Education, Government of Goa at Exh. 15 colly stating that the Under Secretary (Higher Education) issued the Circular fixing working hours of 6.30 hrs. per day excluding lunch break for all Educational Institutions observing 6 days a week for Party I workmen i.e. Laboratory and Library Attendants and that 6.30 hrs. per day has been their demand and the same is acceptable to them and that the Party I does not wish to pursue the present reference pertaining to the working hours and with regard to other demands, the Party I has filed a Writ Petition No. 86/2019 in the Hon'ble High Court of Bombay at Panaji, Goa Bench and that they are pursuing those demands before other authorities and hence, the Party I does not wish to pursue the same before this authority and therefore the matter may be closed. Needless to mention, the above circular has been issued by Directorate of Higher Education and not the Directorate of Education, concerned in the present reference. Be that as it may, it appears that the Party I workmen are satisfied with the above circular. It also appears that the Party I is not interested in pursuing the matter for the reasons stated above. Therefore, there remains no dispute, claim and/or demand of whatsoever nature against each other in the present reference.

8. In view above, I pass the following:

#### ORDER

- (i) The reference stands disposed of in terms of the application at Exhibit 15 colly.
- (ii) No order as to costs.
- (iii) Inform the Government accordingly.

Sd/-  
(Vincent D'Silva)  
Presiding Officer,  
Industrial Tribunal and  
Labour Court.

#### Notification

No. 28/2/2020-LAB/Part-III/62

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 23-12-2019 in reference No. IT/21/15 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 21st January, 2020.

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IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA  
AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding  
Officer)

Ref. No. IT/21/15

The General Secretary,  
Higher Secondary & College  
Attendants Association of Goa,  
F-6, Block 4, Galaxy Apartments,  
Khorlim, Mapusa,  
Goa 403 507. ... Workmen/Party I

Vs.

1. The Chairman,  
Purushottam Walawalkar Higher  
Secondary School,  
Mapusa, Bardez,  
Goa 403 507. ... Employer/Party II(1)
2. Directorate of Education,  
Government of Goa,  
Porvorim-Goa. ... Employer/Party II(2)

Workmen/Party I represented by Shri Subhash Naik Jorge.

Employer/Party II(1) represented by Ld. Adv. Shri R. Kolwalker.

Employer/Party II(2) ex-parte.

#### AWARD

(Delivered on this the 23rd day of the month  
of December, of the year 2019)

By Order dated 01-7-2015, bearing No. 28/36/2015-Lab/675, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.

*“(1) Whether the action of the management of Purushottam Walavalkar Higher Secondary School, Mapusa, Goa, in refusing to concede the following demands raised by the Higher Secondary and College Attendants Association of Goa, vide it's letter dated 24-03-2014, is legal and justified?”*

#### CHARTER OF DEMANDS

- (i) Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to the Laboratory Assistants and Librarian every year as per rules.*
- (ii) Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.*
- (iii) The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 hours work, Laboratory Attendants and Library Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospective from the date of joining till the date this issue is settled.*
- (iv) Laboratory Attendants and Library Attendants should be treated as Group “C” employees as per rules.*
- (v) Laboratory Attendants should be provided Lab Coats and Lab Safety Shoes while at work.*
- (2) If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?”*

2. Upon receipt of the reference, it was registered as IT/21/15 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exb. 7 and Party II(1) filed written statement at Exh. 11.

3. In short, the case of the Party I is that the Party II(1) is a Higher Secondary School which has been operating for last several decades managed by the managing committee and is governed by Goa Education Act and Rules and the orders of Directorate of Education, Government of Goa. The managing committee is the appointing authority for all the teaching and non-teaching staff. The Laboratory and Library Attendants have been appointed by the Party II(1) and have been placed under supervision and control of head of Higher

Secondary School. The Laboratory and Library Assistants across 17 different Higher Secondary Schools and Colleges have formed their Union and they are the members of Higher Secondary and College Attendants Association. The Party I have raised a Charter of demands dated 4-11-2013 with Directorate of Education and 17 Higher Secondary Schools and Colleges. The Directorate of Education in its reply dated 16-12-2013 stated that the Association should approach their respective employers for demands since they have been appointed by the respective management. The Association then raised a Charter of demands with the Party II(1) vide letter dated 24-3-2014. The Party II(1) did not reply to the Charter of demands and as such the Party I approached the Labour Commissioner for conciliation who requested the Party II(1) to attend the conciliation proceedings and as the Party II(1) refused to discuss the demands, the Assistant Labour Commissioner recorded a failure of the conciliation proceedings. The demands raised by Party I are legal and justified as per the Goa Education Act and Rules and direction issued by the Government of Goa from time to time. The action of the management in rejecting the demands of the Party I is illegal and unjustified. Hence, the reference.

4. In the Written statement, the Party II(1) has claimed that the reference is not maintainable in law and on facts. The claims put forward by the Party I are barred by law of limitation and without any cause of action and therefore the reference may be dismissed.

5. It is a matter of record that the Party II(1) has filed an application for addition of Directorate of Education, Government of Goa as Party to the proceedings and as the Party I has given no objection, Directorate of Education, Government of Goa has been added as Party II(2). The Party II(2) thereafter filed a written statement inter-alia contending that the Chairman of the School Managing Committee is the appointing authority of the workmen in the higher secondary schools concerned in Goa and they are governed by Goa School Education Act, 1984 and Rules 1986 and the circulars issued from time to time. The Party I are not the employees of the Directorate of Education and therefore the reference be dismissed.

6. Issues that came to be framed at Exh. 12 are as follows:

- (1) Whether the Party I proves that the action of Party II in refusing to concede their demands mentioned in the schedule, is illegal and unjustified?
- (2) What Relief? What Award?

7. It is a matter of record that the matter was posted for final arguments and during the course of proceedings, Shri Subhash Naik Jorge for the Party I has filed an application along with a Circular dated 17-12-2019 issued by the Directorate of Higher Education, Government of Goa at Exh. 44 colly stating that the Under Secretary (Higher Education) issued the Circular fixing working hours of 6.30 hrs. per day excluding lunch break for all Educational Institutions observing 6 days a week for Party I workmen i.e. Laboratory and Library Attendants and that 6.30 hrs. per day has been their demand and the same is acceptable to them and that the Party I does not wish to pursue the present reference pertaining to the working hours and with regard to other demands, the Party I has filed a Writ Petition No. 86/2019 in the Hon'ble High Court of Bombay at Panaji, Goa Bench and that they are pursuing those demands before other authorities and hence, the Party I does not wish to pursue the same before this authority and therefore the matter may be closed. Needless to mention, the above circular has been issued by Directorate of Higher Education and not the Directorate of Education, concerned in the present reference. Be that as it may, it appears that the Party I workmen are satisfied with the above circular. It also appears that the Party I is not interested in pursuing the matter, although evidence has been led, for the reasons stated above. Therefore, there remains no dispute, claim and/or demand of whatsoever nature against each other in the present reference.

8. In view above, I pass the following:

#### ORDER

- (i) The reference stands disposed of in terms of the application at Exhibit 44 colly.
- (ii) No order as to costs.
- (iii) Inform the Government accordingly.

Sd/-  
(Vincent D'Silva)  
Presiding Officer,  
Industrial Tribunal and  
Labour Court.

#### Notification

No. 28/2/2020-LAB/Part-IV/67

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 23-12-2019 in reference No. IT/04/16 is hereby

published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).  
Porvorim, 21st January, 2020.

#### IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding Officer)

Ref. No. IT/04/16

The General Secretary,  
Higher Secondary & College  
Attendants Association of Goa,  
F-6, Block 4, Galaxy Apartments,  
Khorlim, Mapusa,  
Goa 403 507. ... Workmen/Party I  
Vs.

1. Kamakshi Higher Secondary  
School of Arts, Commerce &  
Science, Curti, Ponda,  
Goa 403 401. ... Employer/Party II(1)
2. Directorate of Education,  
Government of Goa,  
Porvorim-Goa. ... Employer/Party II(2)

Workmen/Party I represented by Shri Subhash Naik Jorge.

Employer/Party II(1) represented by Ld. Adv. Shri G. K. Sardesai.

Employer/Party II(2) ex-parte.

#### AWARD

(Delivered on this the 23rd day of the month of December, of the year 2019)

By Order dated 07-10-2015, bearing No. 28/49/2015-Lab/903, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.

"(1) Whether the action of the management of Kamakshi Higher Secondary School of Arts, Commerce & Science, Curti, Ponda, Goa, in refusing to concede the following demands raised by the Higher Secondary and College Attendants Association of Goa, vide it's letter dated 04-05-2015, is legal and justified?



## CHARTER OF DEMANDS

- (i) *Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to the Laboratory Assistants and Librarian every year as per rules.*
- (ii) *Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.*
- (iii) *The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 hours work, Laboratory Attendants and Library Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospective from the date of joining till the date this issue is settled.*
- (iv) *Laboratory Attendants and Library Attendants should be treated as Group "C" employees as per rules.*
- (v) *Laboratory Attendants should be provided Lab Coats and Lab Safety Shoes while at work.*
- (2) *If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"*

2. Upon receipt of the reference, it was registered as IT/04/16 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exb. 5 and Party II(1) filed written statement at Exh. 9.

3. In short, the case of the Party I is that the Party II(1) is a Higher Secondary School which has been operating for last several decades managed by the managing committee and is governed by Goa Education Act and Rules and the orders of Directorate of Education, Government of Goa. The managing committee is the appointing authority for all the teaching and non-teaching staff. The Laboratory and Library Attendants have been appointed by the Party II(1) and have been placed under supervision and control of head of Higher Secondary School. The Laboratory and Library Assistants across 17 different Higher Secondary Schools and Colleges have formed their Union and they are the members of Higher Secondary and College Attendants Association. The Party I have raised a Charter of demands dated 4-11-2013 with Directorate of Education and 17 Higher Secondary

Schools and Colleges. The Directorate of Education in its reply dated 16-12-2013 stated that the Association should approach their respective employers for demands since they have been appointed by the respective management. The Association then raised a Charter of demands with the Party II(1) vide letter dated 24-3-2014. The Party II(1) did not reply to the Charter of demands and as such the Party I approached the Labour Commissioner for conciliation who requested the Party II(1) to attend the conciliation proceedings and as the Party II(1) refused to discuss the demands, the Assistant Labour Commissioner recorded a failure of the conciliation proceedings. The demands raised by Party I are legal and justified as per the Goa Education Act and Rules and direction issued by the Government of Goa from time to time. The action of the management in rejecting the demands of the Party I is illegal and unjustified. Hence, the reference.

4. The Party II(1) filed a written statement inter-alia contending that the Party I is not competent to raise the dispute. The Charter of demands was submitted by Association without any authorization or support of the members. The alleged dispute is not an industrial dispute as the demands were not raised on the Party II. The Industrial Tribunal is not the appropriate forum for adjudicating the dispute. The terms of reference does not include the State Government which is the body that provides the grants for the payment of wages and other monetary benefits to the employees.

5. It is a matter of record that the Party II(1) has filed an application for addition of Directorate of Education, Government of Goa as Party to the proceedings and as the Party I has given no objection, Directorate of Education, Government of Goa has been added as Party II(2). The Party II(2) thereafter filed a written statement inter-alia contending that the Chairman of the School Managing Committee is the appointing authority of the workmen in the higher secondary schools concerned in Goa and they are governed by Goa School Education Act, 1984 and Rules, 1986 and the circulars issued from time to time. The Party I are not the employees of the Directorate of Education and therefore the reference be dismissed.

6. Issues that came to be framed at Exh. 12 are as follows:

- (1) Whether the Party I proves that the action of Party II in refusing to concede their demands mentioned in the schedule, is illegal and unjustified?

- (2) Whether Party II proves that the Industrial Tribunal is not the appropriate forum for adjudicating the dispute?

- (3) What Relief? What Award?

7. It is a matter of record that the matter was posted for evidence and during the course of proceedings, Shri Subhash Naik Jorge for the Party I has filed an application along with a Circular dated 17-12-2019 issued by the Directorate of Higher Education, Government of Goa at Exh. 14 colly stating that the Under Secretary (Higher Education) issued the Circular fixing working hours of 6.30 hrs. per day excluding lunch break for all Educational Institutions observing 6 days a week for Party I workmen i.e. Laboratory and Library Attendants and that 6.30 hrs. per day has been their demand and the same is acceptable to them and that the Party I does not wish to pursue the present reference pertaining to the working hours and with regard to other demands, the Party I has filed a Writ Petition No. 86/2019 in the Hon'ble High Court of Bombay at Panaji, Goa Bench and that they are pursuing those demands before other authorities and hence, the Party I does not wish to pursue the same before this authority and therefore the matter may be closed. Needless to mention, the above circular has been issued by Directorate of Higher Education and not the Directorate of Education, concerned in the present reference. Be that as it may, it appears that the Party I workmen are satisfied with the above circular. It also appears that the Party I is not interested in pursuing the matter for the reasons stated above. Therefore, there remains no dispute, claim and/or demand of whatsoever nature against each other in the present reference.

8. In view above, I pass the following:

#### ORDER

- (i) The reference stands disposed of in terms of the application at Exhibit 14 colly.
- (ii) No order as to costs.
- (iii) Inform the Government accordingly.

Sd/-  
(Vincent D'Silva)  
Presiding Officer,  
Industrial Tribunal and  
Labour Court.

## Department of Law & Judiciary

Law (Establishment) Division

### Order

No. 5/3/2015/LD-Estt./143

The Government of Goa is pleased to re-constitute the following panel for representing the State of Goa in Mahadayi matter before the Water Disputes Tribunal at New Delhi as and when matter come up for hearing. The concerned advocates may get in touch with the concerned Department.

1. Adv. Pinaki Mishra (Senior Advocate).
2. Adv. Sanjay Upadhaya.
3. Adv. Pratap Venugopal.
4. Adv. Vishnuprasad Lawande.
5. Adv. Sanjay Sardessai.
6. Adv. Shivadatta Munj.
7. Adv. Geetesh Shetye.

This Order shall supersede the earlier Order No. 5/3/2015/LD-Estt./136 dated 23-01-2018.

This issues with the approval of the Government.

By order and in the name of the Governor of Goa.

*Amir Y. Parab*, Under Secretary (Law-Estt.).

Porvorim, 21st January, 2020.

## Department of Personnel

### Order

No. 13/24/2016/PER/260

Whereas, the Government vide Order No. 13/24/2016-PER/2620 dated 30-09-2019 was pleased to grant extension in services to Dr. Jose O. A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Services for a period of one year w.e.f. 01-10-2019 to 30-09-2020 subject to vigilance clearance, concurrence of Finance Department and approval of Council of Ministers;

And whereas, the Vigilance Department has submitted Vigilance Clearance stating that, no Disciplinary Proceedings/Vigilance cases are pending or being contemplated against Dr. Jose O.A. D'Sa;

And whereas, the Finance Department vide its U.O. No. 1400069864 dated 05-12-2019 concurred the proposal for grant of extension of Dr. Jose O.A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Services subject to Cabinet approval and adherence of all Rules in force;

And whereas, the Council of Ministers in its XVIIth meeting held on 07-01-2020 resolved to grant ex-post facto approval for extension in service beyond superannuation to Dr. Jose O.A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Services for a period of one year w.e.f. 01-10-2019 to 30-09-2020;

Now, therefore, the Government is pleased to confirm the Order No. 13/24/2016-PER/2620 dated 30-09-2019 granting extension in service beyond superannuation to Dr. Jose O.A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Services for a period of one year w.e.f. 01-10-2019 to 30-09-2020.

By order and in the name of the Governor of Goa.

*Maya Pednekar*, Under Secretary (Personnel-II).  
Porvorim, 21st January, 2020.

#### Order

No. 15/5/97-PER(Part)/282

On the recommendations of the Goa Services Board and with the approval of the Government, the following Officers in the cadre of Block Development Officer are posted as mentioned in column (3) with immediate effect in public interest:-

Sr. No.	Name of the officer and designation	Posted as
1	2	3
1.	Shri Siddesh S. Kerkar (awaiting posting)	BDO, Quepem thereby relieving Shri Bhagwant A. Karmali, BDO, Sanguem of additional charge.
2.	Shri Paritosh Ulhas Dessai (awaiting posting)	BDO-II, Salcete thereby relieving Shri Amitesh Shirvoikar, BDO-I, Salcete of additional charge.
3.	Shri Ashwin @ Sadashiv Krishna Dessai (awaiting posting)	BDO-II, Ponda thereby relieving Shri Milindra G. Velip, BDO-I, Ponda of additional charge.

1	2	3
4.	Shri Gurudatta P. Naik (awaiting posting)	BDO-III, Directorate of Panchayat, North with additional charge of BDO-IV, Directorate of Panchayat, North thereby relieving Shri Prasiddh P. Naik, BDO, Mormugao of additional charge.

The officers shall complete the process of handing over/taking over immediately and submit compliance.

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Personnel-I).  
Porvorim, 24th January, 2020.

#### Order

No. 5/12/2017-PER/316

Shri Gurudas Dessai, Deputy Director of Mines-II is hereby deployed in the Goa State Election Commission w.e.f. 01-02-2020 for the conduct of General Elections to Zilla Panchayat till the election process is over.

Shri Manuel Baretto, Deputy Director of Mines-I shall hold the posts of Deputy Director of Mines-II & Deputy Director of Mines-III in addition to his own duties w.e.f. 01-02-2020 till Shri Dessai is relieved from the Election duty.

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Personnel-I).  
Porvorim, 27th January, 2020.

#### Department of Public Health

#### Order

No. 44/7/2017-I/PHD/164

Government is pleased to transfer the following Medical Officer under Directorate of Health Services and post her at the place indicated in Col. No. 4 against her name with immediate effect until further orders:-

Sr. No.	Name of the Medical Officer	Present place of posting	Transferred and posted at
1	2	3	4
1.	Dr. Priteeja Parab, Medical Officer	CHC, Valpoi	PHC, Cansaulim vice Dr. Satish Pednekar retired voluntarily.

The transfer of Dr. Priteeja Parab, Medical Officer is made as per her own request.

By order and in the name of the Governor of Goa.

*Swati A. Dalvi*, Under Secretary (Health).

Porvorim, 23rd January, 2020.

### Department of Revenue

#### Order

No. 35/03/05/2019-RD/2979

In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (Act 2 of 1899), as in force in the State of Goa, the Government of Goa is hereby pleased to exempt Dr. K. B. Hedgewar Shikshan Prasarak Mandal from payment of Stamp Duty amounting to ₹ 36,000/- (Rupees thirty six thousand only) on the Gift Deed calculated @ 3% of ₹ 12,00,000/- (Rupees twelve lakhs only), being the total value of the plot admeasuring 2,350 sq. mts. approx. bearing Sy. No. 104/2-L of village Carapur, Taluka Bicholim being donated in favour of the Mandal by 'Vithalpur Dnyan Prasark Mandal', Vithalpur Carapur, Sankhali-Goa for the purpose of constructing a School Complex.

This order is issued with the concurrence of the Finance (R&C) Department vide their U.O. No. 204/F dated 21-01-2020.

By order and in the name of the Governor of Goa.

*Sudin A. Natu*, Under Secretary (Revenue-I).

Porvorim, 27th January, 2020.

### Department of Tourism

#### Notification

No. 3/3(922)/05/DT/3777

Read: Notification No. 3/3(922)17/DT/1120 dated 10-07-2019.

In partial modification to the above Notification, the Governor of Goa is pleased to appoint Shri Rajan Kadkade, r/o. Bicholim-Goa as the Director on the Board of Directors of Goa Tourism Development Corporation Ltd. in place of Dr. Shri M. Moddasir, r/o. Dona Paula, Tiswadi-Goa, under provisions of Clause 107 of the Articles of Association of Goa Tourism Development Corporation Ltd.

All other contents of the above referred Notification shall remain unchanged.

By order and in the name of the Governor of Goa.

*Menino D'Souza*, Director & ex officio Addl. Secretary (Tourism).

Panaji, 24th January, 2020.

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